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12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 GERALD ARMSTRONG,  
15 Plaintiff,

CASE NO. CV-N-97-00670 HDM (RAM)

16 vs.

**DECLARATION OF ANDREW H.  
WILSON IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
COMPLAINT**

17 DAVID MISCAVIGE and CATHY  
18 NORMAN, individuals; CHURCH OF  
SCIENTOLOGY INTERNATIONAL, a  
19 California corporation; the RELIGIOUS  
TECHNOLOGY CENTER, a California  
20 corporation; the SEA ORGANIZATION,  
a California based unincorporated entity;  
21 and the CHURCH OF SCIENTOLOGY  
OF TEXAS, a Texas corporation,  
22  
23 Defendants.  
24  
25

I, ANDREW H. WILSON declare as follows:

26 1. I am a partner in the law firm of Wilson Campilongo, LLP, counsel to defendant  
27 Church of Scientology International ("CSI") in the action *Church of Scientology International v. Armstrong*,  
28 Marin County Superior Court Case Nos. 152229 and 157680. I have personal knowledge of the facts set



1 forth below and, if called upon to testify on such matters, would and could do so competently.

2           2.       On October 17, 1995, the Superior Court of California for the County of Marin  
3 granted an Order of Permanent Injunction against Gerald Armstrong, the Plaintiff in the above-captioned  
4 action ("Order"). a true and correct copy of the Order is attached hereto and marked as Exhibit a.

5           3.       The Order was subsequently incorporated in a judgment ("Judgment") against  
6 Armstrong entered on May 2, 1996. a true and correct copy of the Judgment, to which the Order is an  
7 exhibit, is attached hereto and marked as Exhibit B. The Order and the Judgment are collectively referred  
8 to hereinafter as the "Injunction."

9           4.       The Injunction had the express purpose of permanently enjoining Gerald Armstrong  
10 from violating the terms of a December 1986 Settlement Agreement entered into between Armstrong and  
11 the Church of Scientology International ("CSI"), by which Armstrong promised, in essence, to cease  
12 disseminating information concerning CSI and to cease assisting others pressing claims against CSI and  
13 related entities. In exchange, Armstrong received the sum of eight hundred thousand dollars (\$800,000).

14           5.       Armstrong's appeal from the judgment was dismissed by the California Court of  
15 Appeal on December 23, 1997, on the ground that as a fugitive from justice, Armstrong could not pursue  
16 his appeal. a true and correct copy of the California Court of Appeal Order is attached hereto and marked  
17 as Exhibit C. The basis for the order of dismissal is more fully described in the following paragraphs. On  
18 an earlier appeal by Armstrong, the Court of Appeal had affirmed a preliminary injunction issued by the  
19 Superior Court.

20           6.       In late January, 1997, I learned of actions by Mr. Armstrong that I believed were  
21 clear violations of the Injunction. Armstrong sent to the Hon. Ronald M. Whyte, the United States District  
22 Judge presiding over three cases in which the plaintiff is Religious Technology Center ("RTC"), a  
23 beneficiary of the Injunction, a letter and lengthy declaration disseminating information denouncing CSI  
24 and its related entities.

25           7.       This was not Armstrong's first violation of the Injunction. Prior to that, Armstrong  
26 repeatedly and wilfully disobeyed the preliminary injunction which preceded the permanent injunction.

27           8.       Accordingly, CSI brought a motion for contempt before the Hon. Gary W. Thomas  
28 in Marin County Superior Court. The Court issued an Order to Show Cause Re: Contempt on February



1 18, 1997, and an Order Allowing Service of the Order to Show Cause Re: Contempt. a hearing was held  
2 on May 23, 1997. Armstrong did not appear, nor did he file any opposition or evidence.

3 9. On June 23, 1997, the Marin County Superior Court entered an Order of Contempt  
4 against Armstrong ("Contempt Order") to punish him for his ex parte communication with United States  
5 District Judge Ronald M. Whyte. The Contempt Order decreed that Armstrong be punished for contempt  
6 by a fine of one thousand dollars (\$1,000) and confinement in the County Jail for a period not to exceed 48  
7 hours. a true and correct copy of the Contempt Order is attached hereto and marked as Exhibit D.

8 10. On or about August 6, 1997, the Marin County Superior Court issued a bench warrant  
9 for the arrest of Armstrong ("Bench Warrant"). a true and correct copy of the Bench Warrant is attached  
10 hereto and marked as Exhibit E.

11 11. On February 11, 1998, the Marin County Superior Court found Armstrong guilty of  
12 thirteen additional counts of contempt of its injunction, and imposed an additional sentence upon Armstrong  
13 of 26 days in jail and a fine of \$2,600. a true and correct copy of the Court's Order is attached as Exhibit  
14 F.

15 12. On or about December 17, 1997, Armstrong filed with the California Court of Appeal  
16 a Request for Extension to File Opposition to Motion to Dismiss Appeal ("Armstrong Declaration").  
17 Armstrong mailed this request for extension to the Marin County Superior Court Clerk in an attempt to  
18 extend his time to file an opposition to CSI's motion to dismiss his appeal in *CSI v. Armstrong* in the  
19 California Court of Appeal, First Appellate District, Division Four (Appeal No. A075027). a true and  
20 correct copy of the Armstrong Declaration is attached hereto and marked as Exhibit G.

21 13. As indicated by the "care-of" return address on the Armstrong Declaration cover sheet  
22 and the envelope in which it was mailed, Armstrong - as of December 15, 1997 - did not have a residential  
23 or other address of his own in Nevada.

24 14. As I previously noted (paragraph 5 ante), on December 23, 1997, the Court of Appeal  
25 dismissed Armstrong's appeal from the order or permanent injunction on the ground that he is a fugitive  
26 from justice. (Exhibit C)

27 15. On or about January 26, 1998, Armstrong filed another declaration in connection with  
28 the renewed contempt proceedings then pending before the Superior Court of Marin County. True and



correct copies of pages 1, 55 and proof of service of the declaration are attached as Exhibit H.

16. On or about April 1, 1998, Armstrong posted a message to an Internet public news group stating, "I have been extremely busy in Canada, and so involved with so many things, that it has not been ultimately timely to move to my next spot. . ." a true and correct copy of the Internet posting is attached as Exhibit I.

### Concerning Subject Matter Jurisdiction

17. I am informed and believe that, as of February 14, 1997, plaintiff Gerald Armstrong was living with Lorien Phippany and residing in San Anselmo, California. On that date, I gave Mr. Armstrong notice, by telephone to his residence in San Anselmo, of an ex parte application for the issuance of an order to show cause re: contempt. The telephone was answered by an answering machine that played a recording of the voice of Lorien Phippany that stated, "Please leave a message for either Jerry or Lorien." I called his number again and heard exactly the same message.

18. I am informed and believe that at some point after the Contempt Order and Bench Warrant against Armstrong were issued, Armstrong became a fugitive from justice by fleeing California for Canada, where he could not be arrested and prosecuted pursuant to the Bench Warrant and Contempt Order. My belief is based on the fact that on August 25, 1997, he served his opening brief in the appeal by mailing it from Chilliwack, B.C., Canada. a true and correct copy of the Proof of Service for Armstrong's opening appellate brief is attached hereto and marked as Exhibit J.

19. On or about December 10, 1997, Armstrong filed a declaration of the same date appended to a request for an extension of time to file

45. Also on December 4, I posted to ARS, a message, a true and correct copy of which is appended hereto as Exhibit 20, specifically directed to the Scientology organization, in which I stated:

"I explained to [the process served/agent] that I expect to be in Mr. Abbott's office within two weeks, and that when I know that I will be there, I will call her number and she can come by to serve me."

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1 I also stated in the December 4 post:

2 "If I don't show up within w weeks, and don't  
3 accept service of your papers in Mr. Abbott's  
4 office within 2 weeks, you can go wherever you  
want to serve me."

5 a true copy of this declaration is attached hereto as Exhibit K. In paragraph 49 of the same declaration,  
6 Armstrong makes reference to a letter which he swears was delivered by him to the U.S. Consulate in  
7 Vancouver on December 5, 1997. In paragraph 58 of the same declaration, Armstrong provides his  
8 "analysis" of why he feels it is necessary for him to live in Canada. (*Id.*)

9 20. On or about December 17, 1997, I received a copy of the Armstrong Declaration to  
10 which I previously referred (paragraph 12, ante, and Exhibit G), in which Armstrong stated, in essence, that  
11 as of November, 1997, he was still living in Canada. It stated in pertinent part:

12 8. When I received Scientology's motion I was in the process of moving  
13 to my new residence in Nevada, and my needed files were divided between  
14 Canada and Nevada. *I anticipate completing this move within the next two*  
*weeks.*

15 9. *I am at the time of writing this request for extension in Nevada, and*  
16 *will be here four days in connection with other legal matters. See, e.g.,*  
17 *declaration Exhibit 14, complaint in Gerald Armstrong v. David Miscavige,*  
18 *Scientology, et al., U.S. District Court, District of Nevada, Case No. CV-N-*  
19 *97-00670-HDM (RAM). In order to complete my opposition, I require my*  
20 *computer which is in Canada.*

21 Exhibit G hereto, ¶ 8-9, emphasis added.

22 21. I mailed a copy of said motion, referred to by Armstrong in his declaration, to  
23 Armstrong at his last known residential address in San Anselmo, California in early November, 1997.

24 22. In January, March and April 1998, I caused Sheila M. Werner of Vancouver, British  
25 Columbia, Canada to establish contact with Gerry Armstrong by telephone and in person. During this time  
26 period, as testified to be Ms. Werner, at Exhibit L, she had contact with Gerry Armstrong on 10 separate  
27 occasions. Each time Gerry Armstrong was in Chilliwack, British Columbia. In a personal meeting on  
28 April 5, 1998 Gerry Armstrong informed Ms. Werner that he had recently been in Nevada "but that he does  
not plan to live there and was only there for legal matters."

23. On April 15, 1998, in an attempt to determine whether Armstrong has yet acquired  
a residence in Nevada, I telephoned information at (702) 555-1212 and inquired as to a listing for Gerald

1 Armstrong in Minden, Nevada, or anywhere within the 702 area code. The operator with whom I spoke  
2 informed me there was no such listing. She further informed me that it typically takes two weeks from time  
3 of application for a telephone number, for a new listing to appear in the phone company's database.

4           24.     On the basis of the aforementioned events, I am informed and believe that at the time  
5 of the filing of the complaint in this case and continuing until the present time, Armstrong was still residing  
6 in Canada.

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I declare under penalty of perjury of the laws of the United States and of the State of California that the foregoing is true and correct. Executed this 17<sup>th</sup> day of April, 1998 at San Francisco, California.

And H. Wilson  
ANDREW H. WILSON

G:\Armstrong\Nevada\wilson.decl.wpd



PROOF OF SERVICE BY MAIL

I, NIKKI G. GROVES, declare:


I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Hale, Lane, Peek, Dennison, Howard, Anderson and Pearl. My business address is 100 W. Liberty Street, Tenth Floor, Reno, Nevada 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with Hale, Lane, Peek, Dennison, Howard, Anderson and Pearl's practice for collection and processing of its outgoing mail with the United States Postal Service. Such practice in the ordinary course of business provides for the deposit of all outgoing mail with the United States Postal Service on the same day it is collected and processed for mailing.

On April 20, 1998, I served the foregoing **DECLARATION OF ANDREW H. WILSON IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** by placing a true copy thereof in Hale, Lane, Peek, Dennison, Howard, Anderson and Pearl's outgoing mail in a sealed envelope, addressed as follows:

George W. Abbott, Esquire  
George W. Abbott, Chtd.  
2245 B Meridian Boulevard  
P.O. Box 98  
Minden, Nevada 89423

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on April 20, 1998.

  
\_\_\_\_\_  
NIKKI G. GROVES